

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Andres L. Glenn; Andrea Furgerson;  
Carolyn Glenn,<sup>1</sup>

Plaintiffs,

vs.

Store Kroger and Owner,

Defendants.

Civil Action No. 3:24-cv-3931-CMC

**ORDER**

This matter is before the court on Plaintiff Andres Glenn's ("Andres" or "Plaintiff") *pro se* Complaint filed September 1, 2022. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), D.S.C., the matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings. On July 19, 2024, the Magistrate Judge entered a Proper Form Order and Order and Notice, notifying Plaintiff of deficiencies in his Complaint and allowing an opportunity to amend. ECF Nos. 6, 7. Andres filed an Amended Complaint, which was blank or stated "N/A" for statement of claim and relief sought, listing only himself as Plaintiff and Kroger as Defendant. ECF No. 10.

On August 9, 2024, the Magistrate Judge issued a Report and Recommendation ("Report") recommending this matter be summarily dismissed without prejudice and without leave for further amendment. ECF No. 12. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so.

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<sup>1</sup> Plaintiff Andres Glenn's Second Amended Complaint listed Furgerson and Carolyn Glenn as Plaintiffs as well as Andres. However, a plaintiff may not bring a *pro se* Complaint on behalf of other individuals. Neither Furgerson nor Carolyn Glenn signed the Second Amended Complaint; only Andres Glenn is listed on the signature page. ECF No. 14 at 13. Accordingly, the court finds Furgerson and Carolyn Glenn are not proper Plaintiffs in this action and as such, dismisses them.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

The Magistrate Judge recommends dismissal because the complaint fails to provide sufficient factual allegations to meet pleading requirements and Plaintiff failed to sign the Complaint form. ECF No. 12 at 4-5. In addition, it recommends dismissal for lack of subject matter jurisdiction. *Id.* at 5.

Andres filed a Second Amended Complaint after the Report was entered. ECF No. 14. It is nearly entirely nonsensical and incoherent, asserting in part “Larry tuke my Deed” and also “When I sent Larry . . . three deed I mail it from Columbia.” *Id.* at 5 (errors in original). He appears to allege his land was taken from him and a Kroger grocery store was built on the site, and requests relief in the form of a gas card, grocery card, clothing, and a carton of Newports. *Id.* at 7. He also

mentions a slip and fall in the “chill grill café bar” and says he sustained a broken pinky finger and hurt neck. *Id.* at 8.

Plaintiff also filed a summons and a copy of the Magistrate Judge’s order allowing him to proceed *in forma pauperis*, on which he wrote a narrative stating he is suing Kroger for “pushing down a dirt pile and building there.” ECF No. 17-2 at 3. On the summons form he notes Larry did not give him money for the deeds and he seeks “\$300 triple the dollas.” ECF No. 17.

After a *de novo* review of the record in this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff’s filings, the court agrees with the conclusions of the Magistrate Judge. Plaintiff’s filings submitted after the Report do not meet pleading requirements or establish subject matter jurisdiction. The court therefore adopts and incorporates the Report and Recommendation by reference in this Order. This matter is hereby dismissed without prejudice and without further leave to amend.

**IT IS SO ORDERED.**

s/Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
Senior United States District Judge

Columbia, South Carolina  
September 4, 2024